

January 20, 2006
Case No.: GP-301187 (2760/5)
Serial No.: 09/997,761
Filed: November 29, 2001
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-- REMARKS --

Claims 1-30 remain under consideration. Applicants maintain their traverse of the rejections of claims 1-30.

35 U.S.C § 103(a) provides that "a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of the title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made." Furthermore, according to 37 CFR 1.131(a), "When any claim or an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under paragraphs 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based."

Applicants previously submitted the declaration of Edward Chrumka supporting prior conception, and attach a Declaration of Frank C. Nicholas providing evidence of due diligence in the constructive reduction to practice.

Withdrawal of the rejections to claims 1-30 based on the Declaration of Edward Chrumka and Frank C. Nicholas is hereby requested.

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CONCLUSION

The Applicants respectfully submit that claims 1-30 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

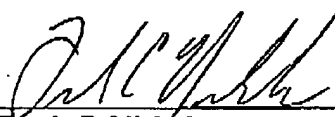
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Respectfully submitted,
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